

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 762 - HB 829

February 24, 2023

SUMMARY OF BILL: Enacts the "Fundamental Right to Reproductive Health Care Act". Establishes that every person has a fundamental right to make decisions about the person's reproductive health care, including the fundamental right to use or refuse contraceptive procedures or contraceptive supplies. States that a pregnant person has a fundamental right to continue a pregnancy and give birth or to have an abortion and to make decisions about how to exercise that right.

Prohibits the state or a department, agency, entity, or political subdivision of this state from: (1) denying, restricting, interfering with, or discriminating against a person's fundamental rights as outlined in the proposed legislation in the regulation or provision of benefits, facilities, services, or information; (2) criminalizing any actions taken by a person in the exercise of the person's fundamental rights; or (3) depriving, through prosecution, punishment, or other means, a person of the person's right to act or refrain from acting during the person's own pregnancy based on the potential, actual, or perceived impact on the pregnancy, the pregnancy's outcomes, or the pregnant person's health.

Eliminates the offense of criminal abortion. Deletes various record keeping requirements associated with healthcare providers and facilities that perform abortions.

Deletes various obsolete criminal offenses, reporting requirements and civil penalties related to criminal abortion.

Eliminates the requirement for the Commissioner of Finance and Administration to submit a waiver amendment to the existing TennCare II waiver that required elective abortion providers be excluded from participation as providers in the TennCare program to the federal Centers for Medicare and Medicaid services for approval.

FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Any necessary rule changes by boards under the Division of Health-Related Boards can be accommodated within the appropriate board's regularly-scheduled meetings at no additional cost.

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- Pursuant to Tenn. Code Ann. § 39-15-213(b), and this legislation, criminal abortion is a Class C felony.
- Based upon information provided by the Department of Correction, there has been zero admissions for the Class C felony offense under Tenn. Code Ann. § 39-15-213(b) for criminal abortion since the enactment of such law in 2019.
- Eliminating the offense of criminal abortion and the various obsolete criminal offenses, reporting requirements and civil penalties related to criminal abortion will not result in a sufficient change in the number of prosecutions for state or local government to experience any significant change in revenue or expenditures.
- Passage of the proposed legislation will have no impact on the policies or procedures of the Division of TennCare or Benefits Administration.
- Any impact to the court system as a result of the proposed legislation is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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